



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
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Governor Brad Little

Director Gary Spackman

May 22, 2023

THOMAS T TIERNEY
ELIZABETH C TIERNEY
102 RIVER GROVE LN
HAILEY ID 83333-5152

Re: Withdrawal of Application for Permit No(s). 71-10922 and 71-10923
Re: Withdrawal of Application for Transfer No. 78307, Water Right No. 71-7169

Dear Applicant(s):

The Department acknowledges receipt of your recent withdrawal of the above referenced applications. These matters are now closed, and no further action is necessary.

Please note, the protest(s) that were previously filed against Application for Permit No. 71-10923 are no longer applicable.

Please feel free to contact this office at (208) 736-3033 if you have any additional questions in this matter.

Sincerely,

Denise Maline
Administrative Assistant

c: Heather O'Leary, attorney
Brockway Engineering PLLC
Idaho Water Resource Board (*protestant on 71-70923*)
Idaho Dept of Fish & Game (*protestant on 71-10923*)
Ann Yribar, Deputy Attorney General (*protestant's attorney*)

Page _____ of _____

STATE OF IDAHO

Transfer No. 75469
78307

RECEIVED AMENDED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUL 22 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGIONName Thomas T. and/or Elizabeth C. Tierney Phone 714-832-9700Post Office address 2802 Dow Avenue Tustin, CA 92660

RECEIVED

A. PURPOSE OF TRANSFER

1. No ☒ Change point of diversion ☐ Add diversion point ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

DEPT. OF WATER RESOURCES
SOUTHERN REGION

JUL 08 2010

2. Describe the reason for the proposed changes Applicant seeks to change the use of portion of ground water irrigation right to aesthetic (new use) for new permit, see concurrent permit.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 71-7169 Priority 09/17/1992 Amount (cfs/ac-ft) 0.01/2.2 Nature of Use Aesthetic Period of Use 05/01 to 10/31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.01 cubic feet per second and/or 2.2 acre-feet per annum.
3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	10	07N	14E	CUSTER	WELL AND PUMP

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	14E	10										J							

WITHDRAWN

**J = Aesthetic use

Total acres **

SCANNED
AUG 12 2010Re-SCANNED (pg. 1)
MAY 22 2023

RECEIVED

MAY 18 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, Thomas T Tierney and Elizabeth C. Tierney,
(Applicant's Printed Name) (Applicant's Printed Name)

_____, and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 78307 of Water Right

No(s). 71-7169

Signed this 24th day of MAY, 2023.

Thomas T Tierney
(Signature/Title of Applicant)

Elizabeth C. Tierney
(Signature/Title of Applicant)

THOMAS T TIERNEY
ELIZABETH C TIERNEY
102 RIVER GROVE LN
HAILEY ID 83333-5152

(Signature/Title of Applicant)

(Signature/Title of Applicant)

Database updated by

DM 5-19-2023

DM

SCANNED

MAY 22 2023

Skinner, Corey

From: Heather O'Leary <heo@lawsonlaski.com>
Sent: Thursday, May 18, 2023 11:31 AM
To: Skinner, Corey
Subject: RE: Tierney Applications
Attachments: withdrawal of application for permits.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Corey:

Attached are executed withdrawal forms for the following permits 71-10923, 71-7169 and 71-10922. Do I need to formally submit them or are you able to process them? If you can let me know that would be great. Also, can you please confirm when the process is complete and/or if you need anything else from me?

Thanks,
Heather



HEATHER E. O'LEARY

Member

Lawson Laski Clark, PLLC
675 Sun Valley Road, Suite A
PO Box 3310
Ketchum, ID 83340
208-725-0055 Phone
208-725-0076 Fax

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From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Monday, May 1, 2023 5:17 PM
To: Heather O'Leary <heo@lawsonlaski.com>
Subject: FW: Tierney Applications

From: Skinner, Corey
Sent: Wednesday, February 8, 2023 3:43 PM

To: Zach Latham <zach.latham@brockwayeng.com>

Subject: Tierney Applications

Zach,

As we discussed earlier today, a recent examination of old pending applications filed with IDWR revealed two applications for permit (71-10922 and 71-10923) and a transfer application (Transfer # 78307) all filed in the name of Thomas T and Elizabeth C Tierney. The applications, all submitted by Brockway Engineering, are associated with land located in Section 10, Township 7 North, Range 14 East, on the east side of Highway 75 about three miles north of the Smiley Creek Lodge. The applications were filed in 2008 and 2009 and were associated with a proposed pond project on the property and some additional irrigation use. The applications were processed by IDWR and multiple protests &/or letters of concern were received by multiple state and federal agencies. Examination of the files indicates that no activity related to the applications has occurred since 2011.

You indicated that you thought that the Tierneys would be open to withdrawing the applications to help clean up the records associated with the property. I have attached three withdrawal forms that can be signed and dated by the Tierneys. Returning the completed forms to our office would allow the Tierneys to withdraw their applications.

Let me know if you have any questions,

Corey